

**ASSEMBLY BILL**

**No. 2904**

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**Introduced by Assembly Member Hayashi**

February 22, 2008

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An act to add Article 1.5 (commencing with Section 123657) to Chapter 3 of Part 2 of Division 106 of the Health and Safety Code, relating to child health.

LEGISLATIVE COUNSEL'S DIGEST

AB 2904, as introduced, Hayashi. Child health: child mortality review panel.

Existing law requires the State Department of Public Health to implement and administer various programs to provide a variety of health services to children and reduce infant and child mortality in the state. Existing law provides for the placement of children in protective custody in cases of child abuse and neglect.

Existing law also authorizes counties to establish interagency, child death review teams to assist local agencies in identifying and reviewing suspicious child deaths, as provided.

This bill would require every county to establish a Child Mortality Review Panel, to be comprised of 6 members, appointed by the board of supervisors. The bill would require the panel to investigate and develop findings and recommendations relating to, a child's death while in protective custody, in accordance with specified procedures and time lines. The bill would require the findings and recommendations to be presented in a written report to the board of supervisors in a closed session, would require the report to be submitted under seal to the presiding judge of the juvenile court, and would exempt the report from

discovery by any party in litigation and laws providing for the disclosure of certain public records as provided.

By increasing the duties of local agency, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1     SECTION 1. Article 1.5 (commencing with Section 123657)  
2     is added to Chapter 3 of Part 2 of Division 106 of the Health and  
3     Safety Code, to read:

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5             Article 1.5. Child Mortality Review Panel  
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7     123657. Every county shall establish a Child Mortality Review  
8     Panel in accordance with this article.

9     123657.1. (a) The Child Mortality Review Panel shall consist  
10    of six members, appointed by the board of supervisors. The  
11    members shall have a demonstrable record of concern for the  
12    protection of minors.

13    (b) The panel shall be supported by adequate staff that is  
14    independent from all county agencies involved in child protection  
15    issues, and shall report directly to the board in the conduct of its  
16    duties.

17    123657.2. (a) Except as provided in subdivision (c), not more  
18    than seven days after the discovery of an instance of a protected  
19    child's death, the panel shall investigate the protected child's death  
20    in accordance with the following procedures:

21    (1) To the extent permissible under existing law, the panel's  
22    staff shall compile the following records:

1 (A) Records in the custody of the juvenile court and involved  
2 county agencies relating to the provision of services to the child  
3 and his or her death.

4 (B) Records in the custody of law enforcement and involved  
5 county agencies and other governmental and medical officials  
6 relating to services of the child and his or her death.

7 (2) As soon as possible, but not later than 60 days after the  
8 discovery of the protected child's death, the panel shall review the  
9 records obtained pursuant to paragraph (1).

10 (3) Conduct interviews of relevant county staff and shall obtain  
11 other necessary information regarding services received by the  
12 child and his or her death as needed.

13 (b) Except as provided in subdivision (c), upon conclusion of  
14 the investigation, but not later than 90 days after the discovery of  
15 the protected child's death, the panel shall submit a written report  
16 of its findings and recommendations to the board of supervisors  
17 in closed session, and under seal to the presiding judge of the  
18 juvenile court.

19 (c) Where the panel's investigation is delayed by circumstances  
20 outside its control, including, but not limited to, a criminal  
21 investigation or the absence of a key witness, the panel may delay  
22 its presentation to the board or may provide partial and tentative  
23 findings and recommendations until the matter can be fully  
24 investigated.

25 123657.3. (a) Notwithstanding any other provision of law, the  
26 report of the panel created pursuant to Section 123657.2 shall not  
27 be discoverable by any party to litigation, and shall not be  
28 obtainable through the California Public Records Act (Chapter 3.5  
29 (commencing with Section 6250) of Division 7 of Title 1 of the  
30 Government Code). Any discussion of the report and deliberations  
31 of the panel shall be maintained as confidential by its members  
32 and staff, by the participants in the closed session, and by the  
33 presiding judge of the juvenile court.

34 (b) Notwithstanding any other provision of law, Section 1157  
35 of the Evidence Code shall apply to the panel members, its staff,  
36 and the report created pursuant to Section 123657.2. The presiding  
37 judge shall maintain jurisdiction over all information of the panel,  
38 and may authorize release of the panel's conclusions where the  
39 public interest dictates.

1 (c) Notwithstanding any other provision of law, for purposes  
2 of complying with Section 54954.2 of the Government Code, if  
3 the report created pursuant to Section 123657.2 is presented to the  
4 board of supervisors in closed session, the presentation and  
5 discussion of the report shall be noticed as “Report of the Child  
6 Mortality Review Panel.” Members of relevant county agencies  
7 responsible for the protection of children may attend and assist the  
8 board of supervisors in its closed session at the discretion of the  
9 board. The closed session discussions shall be covered under  
10 Section 1157 of the Evidence Code.

11 SEC. 2. If the Commission on State Mandates determines that  
12 this act contains costs mandated by the state, reimbursement to  
13 local agencies and school districts for those costs shall be made  
14 pursuant to Part 7 (commencing with Section 17500) of Division  
15 4 of Title 2 of the Government Code.